

## IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1858.--Ordered to be printed.

Mr. YULEE made the following

## REPORT.

[To accompany Bill S. 287.]

*The Committee on Post Offices and Post Roads, to whom was referred the petition of Sherlock & Sherley, contractors for carrying the mail from Louisville, Kentucky, to St. Louis, Missouri, praying to be relieved from certain fines alleged to have been unjustly imposed on them, beg leave to report :*

The petitioners allege that, for the years 1851, 1852, 1853, and 1854, they were the contractors for carrying the mail on route No. 5103, from Louisville, Kentucky, to St. Louis, Missouri, which service was to be performed daily, in steamboats, at the compensation of \$70,000 per annum. That between the 1st October, 1851, and the 31st December, 1854, the following fines and deductions were imposed and deducted from their pay, viz :

4th quarter of 1851, fines and deductions.....	\$570 00
1st " 1852, no fines or deductions.	
2d " 1852, " "	
3d " 1852, " "	
4th " 1852, fine.....	12 00
1st " 1853, fines and deductions.....	783 00
2d " 1853, " " .....	348 51
3d " 1853, " " .....	7,153 00
4th " 1853, " " .....	4,317 92
1st " 1854, " " .....	9,830 51
2d " 1854, " " .....	491 34
3d " 1854, " " .....	12,035 96
4th " 1854, " " .....	7,746 12

Making in the aggregate.....	43,258 41
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That in the settlement of the cases, up to the third quarter of 1853, the Postmaster General had settled each case upon the evidence before the department; and when evidence was produced that failures were caused by low water, fog, or ice, they were uniformly excused; but

not so under Postmaster General Campbell. In the settlement of the case for the third quarter of 1853, and thereafter, all excuses were disregarded, thrown aside and not considered. No matter from whom, or how made, whether from the sworn officers of the government or affidavits of old, experienced river men: that it was shown conclusively that the failures for that quarter were caused by the extreme low water in the river, and the fog which prevented the boats from running nights: that it was shown that the contractors made due exertions to carry the mails through—still they were fined or deducted for each failure; and such was the case with subsequent settlements of each quarter's pay.

That they have made frequent applications to the Post Office Department to have those fines re-examined and remitted, and never could have any action upon the case until the present Postmaster General came into the administration of the department, when he made an order declining to reopen the case, as having passed beyond his control by the action of his predecessor, without some action of Congress.

That believing it to be the settled policy of the government for the legislative bodies not to interfere directly in the business which properly belongs to the executive, and it being a rule of the executive, lately adopted, not to reconsider cases or alter decisions which have been made by an outgoing administration by the incoming one without a resolution to that effect from Congress, they, therefore, pray that a resolution be passed authorizing and directing the present Postmaster General to open and reconsider the cases referred to, that the fines and deductions may be re-adjusted, fixed, and remitted, according to equity and justness, and the rules of the department.

The committee consider what is asked by the petitioners to be reasonable. They seek only an authority to the Postmaster General to review a case in his own department, judgment upon which has been entrusted to that department, and action upon which, in the ordinary course of its business, is only prevented by a practice prevailing in the department for one Postmaster General not to review cases once acted upon by a predecessor, unless by authority of a legislative act. They report a bill which they recommend.